

REMARKS

Reconsideration and allowance of the present application are respectfully requested.

Claims 1-9 are all the claims pending in the application, of which claim 1 is independent.

Statement of Substance of Interview

Applicants thank the Examiner for the courteous interview of January 6, 2011. During the interview, the parties discussed the rejection of claim 1 over JP 2001-219714 (hereinafter “JP ‘714”).

The parties agreed that certain amendments to the feature relating to the “depth direction positions” will distinguish claim 1 over JP ‘714 pending further search and consideration. Applicants have amended claim 1 as discussed during the interview.

Claim Rejections Under 35 U.S.C. § 102 and 103

Claims 1-7 and 9 are rejected under 35 U.S.C. 102(b) as allegedly anticipated by or, in the alternative, under 35 U.S.C. 103(a) as allegedly obvious over JP 2001- 219714 (hereinafter “JP ‘714”).

Claim 1 recites, among other features, (emphasis added) “wherein in the land portions, depth direction positions, where a groove bottom surface of the circumferential groove contacts with each of perpendicular lines which are perpendicular or approximately perpendicular to the tread surface, which passes respectively through each of a plurality of edges on a side of each of the circumferential grooves, vary in a radial direction in the predetermined cycle along the circumferential direction.”

JP '714 does not disclose the varying depth direction portions as claimed. Specifically, FIGS. 1-3 of JP '714 illustrate that the depths of an intersection of the bottom surface of the grooves and a perpendicular line extending from an edge of the groove do not vary in a radial direction.

Accordingly, claim 1 is patentable over JP '714 because JP '714 does not disclose or suggest the depth direction positions as claimed. Claims 2-7 and 9 are patentable at least by virtue of their dependency on claim 1.

Furthermore, with regard to claim 2, the Examiner alleges that it would have been obvious to have provided the grooves such that $S' > 0.45 S$, but does not clearly articulate a reason why such a modification would have been obvious. It is submitted that JP '714 discloses that S' is 0 (see FIG. 1). Accordingly, Applicants submit that claim 2 is separately patentable over JP '714 based on the features recited therein.

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over JP '714 in view of JP 02-081704 (hereinafter "Japan '704") and at least one of JP 02-212203 (hereinafter "JP '203") and JP 09-011708 (hereinafter "JP '708").

It is respectfully submitted that JP '704, JP '203 and JP '708 all fail to supply the deficiencies of JP '714. Accordingly, claims 8 and 9 are patentable at least by virtue of their dependency on claim 1.

Amendment Under 37 C.F.R. 1.111
U.S. Appln. No.: 10/577,901

Attorney Docket No.: Q94729

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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Date: January 12, 2011